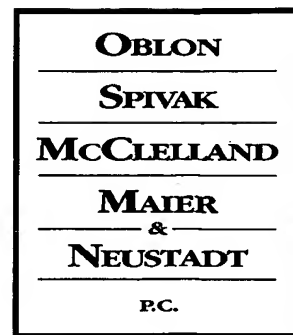




Docket No.: 246285US0X DIV

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/727,516
Applicants: Douwe MOLENAAR, et al.
Filing Date: December 5, 2003
For: NUCLEOTIDE SEQUENCES WHICH CODE FOR
THE mdhA GENE
Group Art Unit: 1652
Examiner: Christian L. Fronda

SIR:

Attached hereto for filing are the following papers:

Response to Restriction Requirement

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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DOCKET NO: 246285US0X DIV



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
DOUWE MOLENAAR, ET AL. : EXAMINER: CHRISTIAN L. FRONDA
SERIAL NO: 10/727,516 :
FILED: DECEMBER 5, 2003 : GROUP ART UNIT: 1652
FOR: NUCLEOTIDE SEQUENCES WHICH :
CODE FOR THE MDHA GENE

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement mailed June 7, 2005, Applicants elect, with traverse, Group II: Claims 52-64, drawn to a process for producing an L-amino acid, for further prosecution.

REMARKS

The Examiner has required restriction of the above-identified application as follows:

Group I: Group I: Claims 44-51, drawn to a Coryneform bacterium which expresses a decreased amount of malate dehydrogenase; and

Group II: Claims 52-64, drawn to a process for producing an L-amino acid.

Applicants have elected, with traverse, Group II: Claims 52-64, drawn to a process for producing an L-amino acid, for further prosecution.

The Office has characterized the inventions of Group I and Group II as related as product and process of use. Citing MPEP §806.05(f) the Office suggests that the product as claimed can be used a materially different process. However, the Office has submitted no